

HOUSE BILL 1359

By Turner L

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 4 and Title 37, Chapter 1, relative to
guardian ad litem.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-132, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c)

(1) Any guardian ad litem appointed by the court pursuant to this section shall be presumed to be acting in good faith and in so doing shall be immune from any liability that might otherwise be incurred while acting within the scope of such appointment. Such immunity shall apply in all proceedings in which such guardian ad litem may act. However, the guardian ad litem shall not be entitled to immunity if the guardian has a conflict of interest with the case that was not disclosed to the court at the time of the appointment, or if the conflict arose after appointment, and it was not disclosed within a reasonable time after the conflict arose.

(2) In cases where a guardian ad litem has a conflict of interest, the guardian ad litem shall declare the conflict and request that the court appoint a new guardian ad litem. Any party who perceives a conflict of interest may file a motion with the court setting forth the nature of the conflict and a request that the guardian ad litem be disqualified from further service in the case. Upon a finding that a conflict of interest exists, the court shall relieve the guardian ad litem from further duties in the case and appoint a new guardian ad litem.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.